

Judge Robart

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

Kelly Jackson, by and through counsel Robert Goldsmith, requests that this Court authorize a guilty plea hearing via video or telephone conference as soon as practical because further delays in this case risk “serious harm to the interests of justice.” See General Order No. 04-20 (3/30/20). Mr. Jackson consents to a video or telephonic hearing. The United States of America, through Assistant United States Attorney Todd Greenberg, does not oppose this motion.

## I. Background

Mr. Jackson was indicted on September 10, 2020, with two counts of unlawful possession of a destructive device in violation of 26 U.S.C. §§ 5861(d) and 5845(a)(8), and two counts of arson in violation of 18 U.S.C. §§ 844(f)(1) and 844 (i). Mr. Jackson was arraigned on September 15, 2020, and the Court later continued his trial to February 1, 2021, with pretrial motions due by December 23, 2020.

MOTION for Remote Hearing - 1

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After his arrest on September 9, 2010, Jackson was initially detained. On September 24, 2020, the Magistrate Court ordered a temporary release to an inpatient facility in Arizona, where Jackson resided from October 3, 2020, until November 3, 2020. On November 10, 2020, the Magistrate Court approved of his continuing release with 6 weeks of residence at an outpatient residential facility in Tacoma, with a subsequent release date of December 23, 2020, after which he will reside with his parents in Edmonds, WA.

The Government and Mr. Jackson have reached a plea agreement pursuant to which Mr. Jackson is expected to plead guilty to Counts 1 and 3, unlawful possession of a destructive device, with the Government agreeing to dismiss Counts 2 and 4, the arson charges. The Government has also agreed to request no more than the Guideline range which the Court determines at sentencing, while the defense can ask for any sentence.

## II. Discussion

Under General Order 04-20, felony pleas and sentencing may proceed by video or telephone conferencing if “the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.” Through subsequent General Orders, the Court has extended such procedures until well into the new year, 2021. The interests of justice are served by allowing Mr. Jackson to enter his guilty plea now so that this matter can move forward toward sentencing. As noted, pretrial motions are due this week. Proceeding with a remote guilty plea will aid the efficient administration of justice by clearing the court calendar of trials during the shutdown brought about by the COVID-19 epidemic and eliminating the need for pretrial litigation. What is more, Kelly Jackson is just 20 years old, and would like to move on with his life, instead of waiting for the Pandemic to dissipate and allow matters to re-open. This further serves the interests of justice.

### III. Conclusion

For the above-stated reasons, the defense respectfully requests that the Court find that further delay would

1 cause “serious harm to the interests of justice” and authorize the scheduling of a guilty plea hearing by  
2 videoconference at a date and time available to the Court and the parties.  
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4 Dated 23 December 2020.

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6 Respectfully submitted,  
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/s/ R. Goldsmith  
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Email: Bobgoldsmith52@gmail.com  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent electronically to the Assistant U.S. Attorney, counsel of record for the Government.

DATED this 23rd day of December, 2020

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